

Memorandum

To: City Council
From: Keith Robinson
Date: 05/28/15
Subject: Idling engines/vehicles



As Council is aware complaints have been received concerning vehicles parked around Gunnison with engines running at all hours of the day on city streets and private property. The complaints revolve around noise and pollution and typically involve diesel engines. In some cases the complainants also identify the source of the complaint to be accessory engines running as part of an extended semi-trailer.

Colorado State Statute, 42-14-103, uniformed standard – local governments, limits local authority to enact ordinances pertaining to idling of vehicles associated with commerce. A local government cannot pass an ordinance that is more restrictive than article 42 as it applies to commercial diesel vehicles with a gross weight greater than 14000 pounds. See state statute 42-14-101 thru 42-14-106 attached.

The City has had an idling engine ordinance for many years which was last updated in 2010. The current ordinance in place, does allow for continued enforcement under state statute, but it does not adequately address the current concerns and is more lenient than provided by state statute. Specifically the current ordinance does not make a distinction between types of engine, size of vehicle, specific conditions for idling and allows 30 minutes. City ordinance was modeled after state statute 42-4-1206 and is not directed at commercial vehicles as much as it is unattended vehicles of any type left idling. Current model traffic code 1206 is attached.

The state has been working on the idling engine issues and as of 2014 the issue is addressed in two sections; 42-4-1206 for unattended vehicles and 42-14-105 which deals with large diesel vehicles typically used in commerce.

In looking at city ordinances I would propose not amending model traffic code 1206 (1) as adopted it reflects the wording in state statute 42-4-1206. Following the intent of state statute this ordinance reduces pollution from running vehicles, has vehicles parked safely and deters theft. Two additional distinctions to consider would be keeping the language in city ordinance that would allow for locked vehicles to idle and enforcement on private property.

Model traffic code 1206(2) would be amended to reflect wording and intent from state statute 42-14-105 which deals with diesel commercial vehicles. Inclusion of this language

in 1206(2) would make it applicable to all vehicles but could still be worded to fairly address those concerns for all commercial vehicles not just those over 14,000 pounds and powered by diesel engines. Main points identified would be 5 minutes in any one hour period, unless the temperature is 10 degrees or lower, the time limit would be 20 minutes, would exempt vehicles to defrost windows, emergency vehicles, and service vehicles while working, power take-off equipment used to perform jobs, warming of passengers on mass transit buses but not the driver of any vehicle. Drivers taking rest breaks would be required to park 1000 feet from residential housing, a school, a daycare facility, a hospital, a senior citizen center, or a medical outpatient facility providing primary, specialty, or respiratory care. Areas for rest breaks could also be designated by the Chief of Police.

This ordinance does not address auxiliary engines but I believe is a workable ordinance and address most vehicles left idling in a typical situation where the intent is to warm up or cool the vehicle engine and/or occupants. The draft ordinances presented deals with these vehicles to reduce pollution, length of time running and moving them away from the sources of most complaints. The ordinance further brings us into compliance with state restrictions.

The other tool available to the City without ordinance change is implementing a policy of restricted parking between business and commercial zones that adjoin residential areas. On street parking can be restricted by size of vehicle or time of day to keep vehicles from parking in areas where the noise could be disruptive.

The noise issue related to auxiliary engines or power sources is still being researched. Currently the city ordinance for noise deals with “unreasonably loud or unusual noise which seriously inconveniences other persons in the area”. Other municipalities researched deal with this type of noise through their noise ordinances and land use, but expand the definitions to include many more sources of noise. Enforcement is also tied to setting time of day standards and decibel levels with specific distances and comparisons. The police department supervisory staff has discussed the options of increasing the noise ordinance but recommended that it might cause more issues. Solutions are still being researched.